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October 30, 2002

BY ELECTRONIC MAIL

Mr. William Maher
Chief, Wireline Competition Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Mr. Ed Thomas
Chief Engineer, Office of Engineering
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Federal Communications Commission
445 12th Street, S.W.
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Mr. David Solomon
Chief, Enforcement Bureau
Federal Communications Commission
445 12th Street, S.W.
Room 7-C723
Washington, D.C. 20554

Re: *Performance Measurements and Standards for Interstate Special
Access Services, et al.*, CC Dkts. Nos. 01-321, 00-51, 98-147, 96-
98, 98-141, 96-149, 00-229, and RM 10329

Dear Sirs:

On behalf of our client, the Ad Hoc Telecommunications Committee, we respectfully submit this *ex parte* letter in opposition to the joint proposal of BellSouth Telecommunications and Time Warner Telecom, Inc., that the Commission adopt the "BellSouth Performance Measurements and Standards" (Version 1.2, August 15, 2002) ("BS/TWT Proposal") they submitted in the captioned proceeding. For the reasons set forth below, the Commission should reject the BS/TWT Proposal.

Members of the Ad Hoc Committee are among the nation's largest corporate users of telecommunications services, including interstate special access services. Large organizations, such as Ad Hoc's members, rely heavily on interstate special access services to meet their telecommunications needs; however, their experience has been that service providers—ultimately and most

often, the Incumbent Local Exchange Carriers ("ILECs")—are unable or unwilling to provide necessary circuits in a reliable, predictable, and timely manner. Whether the cause is provisioning delays, ineffective or untimely restoration of defective circuits, or other provider inefficiencies, the effects on enterprise end users include business interruptions, increased costs, and unexpected and significant demands on their telecommunications personnel.

Although enterprise end users of special access services share a common interest in improving special access ordering, provisioning, maintenance and repair with competitive local exchange carriers ("CLECs") and interexchange carriers ("IXCs"), who also purchase special access, their interests are not perfectly aligned. As their submissions in this proceeding have demonstrated, IXCs and CLECs are seeking performance measurements and standards designed to identify and deter discrimination by the ILECs in favor of the ILECs' affiliates and end user customers; therefore, the IXCs and CLECs have not focused on the quality of service ILECs have provided to their end user customers except as it relates to the service ILECs have provided to them. Although the IXCs and CLECs have failed to fully address legitimate interests of end user customers, the Ad Hoc Committee generally shares many of the views they have expressed, including the need for strict enforcement of any standards that may be adopted, coupled with meaningful sanctions.

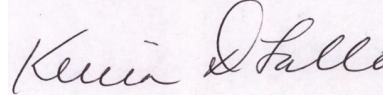
In its Reply Comments filed in this proceeding on February 12, 2002, the Ad Hoc Committee conditionally endorsed the Joint Competitive Industry Group ("JCIG") Proposal, provided that it be modified slightly to address end user interests. The Ad Hoc Committee reiterates that position here, and directs you to pages 18-19 of its Reply Comments for the specific modifications to the proposed performance measurements that the Committee advocates.

The Commission should reject the BS/TWT Proposal, which is a poor substitute for the JCIG Proposal, particularly from the perspective of enterprise end users. In Ad Hoc's view, there are three fundamental flaws with the BS/TWT Proposal: First, as with the JCIG Proposal, the BS/TWT Proposal does not track or measure end user orders. Second, although BS and TWT have claimed that their Proposal is "similar to" the JCIG proposal, the standards BS/TWT propose are far more lenient than those the JCIG has proposed, and would not result in material improvements in ILEC performance. Third, the BS/TWT proposal omits any remedies for a carrier's failure to meet the proposed performance standards. As many parties have argued in their comments and reply comments, the ILECs would have little incentive to meet any performance standards that are not coupled with meaningful enforcement mechanisms.

Large enterprise users, such as the members of the Ad Hoc Committee, ultimately pay the price for poor special access provisioning, whether they purchase special access directly from an ILEC or through an IXC. In Committee

members' experience, the special access market is not yet competitive enough to discipline ILEC behavior. Until that time arrives, the Commission should adopt and enforce meaningful performance standards that address the concerns of end users as well as of competitive providers. With the appropriate modifications, the Joint Competitive Industry Group Proposal would achieve these objectives.

Sincerely yours,

A handwritten signature in dark ink, reading "Kevin DiLallo", is written over a light pink rectangular background.

Kevin DiLallo
Counsel for
Ad Hoc Telecommunications Users
Committee

cc: Michelle Carey
Ben Childers
Renee Crittendon
Jonathan Kraushaar
Pamela Megna
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